

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

PLANNED PARENTHOOD GREAT	)	
NORTHWEST, HAWAII, ALASKA,	)	
INDIANA, KENTUCKY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:18-cv-01219-RLY-DLP
	)	
COMMISSIONER, INDIANA STATE	)	
DEPARTMENT OF HEALTH, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**Stipulation to Dismiss Case Without Prejudice**

The parties, by their counsel, say that"

1. In this action plaintiff challenged the constitutionality of Indiana Code § 16-34-2-4.7 ("the Complications Statute") and Indiana Code § 16-21-2-2.6 ("the Inspection Statute").
2. The parties filed cross-motions for summary judgment and on July 8, 2020 this Court granted plaintiff's motion concerning the Complications Statute, finding it to be unconstitutionally vague, and granted the defendants' motion concerning the Inspection Statute, finding it to be constitutional. (Dkt. 97). Final judgment was entered accordingly on July 14, 2020. (Dkt. 99).

3. Defendants appealed this Court's judgment concerning the Complications Statute. Plaintiffs did not appeal this Court's judgment concerning the Inspection Statute.

4. The Seventh Circuit reversed this Court's judgment concerning the Complications Statute and remanded the case to this Court to resolve plaintiffs' claim that the Complications Statute was irrational in violation of both due process and equal protection. *Planned Parenthood of Indiana and Kentucky, Inc. v. Marion County Prosecutor*, 7 F.4th 594, 606-07 (7th Cir. 2021).

5. The parties stipulate and agree that this case, which concerns only the constitutionality of the Complications Statute, should now be dismissed, without prejudice, with each party to pay its own costs and attorneys' fees.

6. The parties acknowledge that this dismissal has no impact on the final judgment entered by this Court on July 14, 2020 (Dkt. 99), which upheld the constitutionality of the Inspection Statute, Ind. Code § 16-21-2-2.6, and which was not appealed.

WHEREFORE, the parties stipulate to the dismissal of this case without prejudice, with each party to pay their own costs and attorneys' fees.

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